

BEFORE THE OFFICE OF CAMPAIGN FINANCE  
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS  
FRANK D. REEVES MUNICIPAL BUILDING  
2000-14<sup>th</sup> STREET, N.W., SUITE 420  
WASHINGTON, D.C. 20009  
(202) 671-0550

IN THE MATTER OF	)	DATE: January 16, 2004
	)	
Lillian M. Overton	)	DOCKET NO.: 03F-180
Member	)	
DC Police and Firefighters Retirement	)	
Board	)	
17201 Longleaf Drive	)	
Bowie, Maryland 20716	)	

**ORDER**

**Statement of the Case**

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of General Counsel following a determination by its Public Information Records Management Division, that pursuant to the D.C. Code §1-1106.02 (2001 Edition), Lillian M. Overton, Member, DC Police and Firefighters Retirement Board (Board), failed to timely file, a Financial Disclosure Statement for calendar year 2002, on or before May 15, 2003 as required by D.C. Official Code §1-1106.02 and also failed to file on or before the OCF sanctioned extended filing deadline of June 19, 2003.

By Notice of Hearing, Statement of Violations and Order of Appearance dated August 11, 2003, OCF ordered Lillian M. Overton (hereinafter respondent), to appear at a scheduled hearing on August 25, 2003 and show cause why she should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

**Summary of Evidence**

OCF alleges that the respondent failed to timely file the statutorily required Financial Disclosure Statement for calendar year 2002, on or before June 19, 2003.

On August 26, 2003, respondent filed an affidavit with OCF stating that the Metropolitan Police Department (MPD) requires its managers to file a Financial Disclosure Statement in May with its Office of Internal Affairs (OIA). Respondent further stated that failure to do so generates disciplinary action. Respondent asserted she filed OCF's Financial Disclosure Statement with OIA in May 2003, and that it was

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forwarded by MPD to OCF. Respondent further asserted that she was not informed of the requirement to file a second FDS on the basis of her seat as alternate on the Board. Respondent filed a fully executed FDS, via facsimile, with OCF on August 26, 2003, followed by an original on August 27, 2003.

**Findings of Fact**

Having reviewed the allegations and the record herein, I find:

1. Respondent asserted she filed the required Financial Disclosure Statement with MPD's Office of Internal Affairs in May 2003, which forwarded the report to OCF by the filing deadline.
2. OCF has no record of receipt of a Financial Disclosure Statement forwarded by MPD for respondent.
3. Respondent was required to file a Financial Disclosure Statement with OCF for calendar year 2002, on or before June 19, 2003.
4. Respondent filed a Financial Disclosure Statement with OCF on August 26, 2003.
5. Respondent would not have been required to file a second FDS, but rather to amend her current FDS to reflect her position on the Board.
6. Respondent's explanation for the filing delinquency is credible in that she believed MPD had forwarded her FDS to OCF by the filing deadline, and in that she believed she was not required to file a second FDS with OCF on the basis of her seat on the Board.
7. Respondent is currently in compliance with the statute.

**Conclusions of Law**

Based upon the record provided by OCF, I therefore conclude:

1. Respondent violated D.C. Official Code §1-1106.02.

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2. The penalty established at D.C. Official Code §1-1103.05(b)(3), and 3DCMR §§3711.2(aa), 3711.2 and 3711.4 for failure to timely file a Financial Disclosure Statement required by D.C. Official Code §1-1106.02 is a fine of \$50.00 per day for each business day subsequent to the due date.
3. In accordance with D.C. Official Code §1-1103.05(b)(3), the respondent may be fined a maximum of \$2,000.00 for failing to timely file a Financial Disclosure Statement.
4. For good cause shown pursuant to 3DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. It is the practice of OCF to receive Financial Disclosure Statements from an agency which has assigned an employee to collect and deliver these reports en masse.
6. Respondent's explanation for failing to timely file constitutes good cause for suspension of the fine.

**Recommendation**

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the imposition of the fine in this matter.

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**Date**

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**Jean Scott Diggs  
Hearing Officer**

**Concurrence**

In view of the foregoing, I hereby concur with the Recommendation.

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**Date**

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**Kathy S. Williams  
General Counsel**

**ORDER OF THE DIRECTOR**

**IT IS ORDERED** that the fine be hereby suspended in this matter.

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Cecily E. Collier-Montgomery**  
**Director**

**SERVICE OF ORDER**

This is to certify that I have served a true copy of the foregoing Order.

\_\_\_\_\_  
**Rose Rice**  
**Legal Assistant**

**NOTICE**

Pursuant to 3DCMR §3711.5 (1999), any fine imposed by the Director shall become effective on the 16<sup>th</sup> day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000-14<sup>th</sup> Street, N.W., Washington, D.C. 20009.